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20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 RICHARD WITTREN,) Case No. C 08 - 2220 MEJ
24 Plaintiff,) JOINT CMC STATEMENT
25 v.) Date: September 4, 2008
26 PETE GEREN, SECRETARY,) Time: 10:00 a.m.
27 DEPARTMENT OF THE ARMY,) Dept: Courtroom B, 15th Floor
28 Defendant.)
29 _____)

1 The parties, by and through their undersigned attorneys, hereby submit the following
2 Joint Case Management Conference Statement pursuant to Rule 16-9 of the Civil Local Rules for
3 the Northern District of California.

4. Jurisdiction and Service: This case involves a claim of alleged disability discrimination
5 pursuant to Title VII and the Rehabilitation Act. Jurisdiction is conferred upon the court
6 pursuant to 28 U.S.C. Sections 1331 and 1343.
7. Facts: Plaintiff began working as a Student Temporary Employment Program (“STEP”)
8 employee for Defendant in December 2000. He was appointed for a period not to exceed
9 one year and was extended annually until December 2004. Plaintiff alleges he was
10 discriminated against on the basis of his alleged physical disability in the assignment of
11 his work duties, because he was not promoted from a STEP worker to a Student Career
12 Employment Position (“SCEP”) worker, and because his term appointment was not
13 renewed in December 2004. Defendant denies Plaintiff’s claims.
14. Legal Issues: Whether Defendant discriminated against Plaintiff on the basis of his
15 alleged physical disability.
16. Motions: There are no pending motions. Defendant anticipates filing discovery and
17 dispositive motions as needed. Plaintiff anticipates filing discovery motions as needed.
18. Amendment of Pleadings: None at this time.
19. Evidence Preservation: The parties have taken affirmative steps to preserve relevant
20 documents and/or evidence related to this case.
21. Disclosures: The parties will serve initial disclosures pursuant to Fed. R. Civ. P. 26 by
22 September 18, 2008.
23. Discovery: No discovery has taken place. Both parties intend to serve written discovery
24 and conduct depositions. Defendant has begun the meet and confer process with Plaintiff
25 regarding dates for his deposition, which the parties are discussing take place in
26 December. The parties are amenable to reasonable limits on discovery. The parties agree
27 that each party may propound no more than 25 document requests, 25 special
28 interrogatories, and 25 requests for admissions to the opposing party.

1 9. Class Actions: Not applicable.

2 10. Related Cases: None.

3 11. Relief: Plaintiff seeks monetary relief and reasonable attorney's fees according to proof.

4 Defendant denies that Plaintiff is entitled to any relief.

5 12. Settlement and ADR: The parties agree to participate in mediation or a settlement
6 conference after some discovery. The parties would like to try to agree to a specific
7 mediator or a settlement judge through the Court's ADR program. The parties believe
8 that ADR can be completed by April 30, 2009.

9 13. Consent to Magistrate Judge for All Purposes: The parties previously consented to a
10 magistrate judge for all purposes.

11 14. Other References: The parties agree this case is not appropriate for binding arbitration, a
12 special master, or reference to the MDL panel.

13 15. Narrowing of Issues: None anticipated at this time.

14 16. Expedited Schedule: An expedited schedule is not appropriate at this time.

15 17. Scheduling: The parties propose the following discovery and trial dates:

16 Fact Discovery Cutoff: August 10, 2009

17 Expert Disclosure: August 18, 2009

18 Rebuttal/Supplemental Disclosure: September 18, 2009

19 Expert Discovery Cut off: November 2, 2009

20 Last Day to Hear Dispositive Motions: October 8, 2009

21 Pre-trial conference: November 20, 2009

22 Trial: December 7, 2009

23 18. Trial: Defendant estimates that a trial of this case will take about 5 court days. Plaintiff
24 estimates that trial will take between 5-7 court days.

25 19. Disclosure of Non-party Interested Entities or Persons: None.

1 20. Other Matters: None.

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3 Dated: August 28, 2008

Respectfully Submitted,

BEVERLY SAXON LEONARD

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5
6 Dated: August 28, 2008

/s/
7 JOSEPH P. RUSSONIELLO
8 United States Attorney

9 /s/
10 VICTORIA R. CARRADERO
11 Assistant United States Attorney
12 Attorneys for Defendant